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THE INSTITUTE FOR

INTERCONNECTING

AND PACKAGING

ELECTRONIC CIRCUITS

August 24, 1998

Ms. Maria Doa
Chief, TRI Branch
U.S. Environmental Protection Agency
401 M St., S.W., MS-7408
Washington, D.C. 20460

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Dear Ms. Doa:

The Institute for Interconnecting and Packaging Electronic Circuits (IPC) is the national trade association for the electronic interconnection industry, which consists of printed wiring board (PWB) manufacturers and contract assemblers that attach electronic components to bare PWBs for use in virtually all electronic devices. Ninety percent of IPC's members have annual sales of less than \$10 million - eighty percent of IPC companies have annual sales of less than \$5 million. According to the U.S. Small Business Administration, the majority of IPC members are considered "small businesses."

I am writing today to request clarification of the PWB industry's reporting obligations under the Toxic Release Inventory (TRI) program. Under TRI, facilities that meet certain chemical use/process/manufacture thresholds must report their releases and other waste management activities for listed toxic chemicals to EPA and to the state where the facility is located. The industry's question is as follows:

"If a PWB facility ships a manufacturing by-product, which contains a TRI listed chemical, to a recycling facility on a U.S. Department of Transportation (DOT) bill of lading as opposed to a RCRA hazardous waste manifest, must the facility include the amount of TRI chemical contained in that manufacturing by-product on Form R?"

We are asking this question because a number of PWB manufacturing by-products are shipped off-site for recycling on a simple bill of lading because they are not subject to RCRA Subtitle C when recycled (e.g., they are considered excluded scrap metal, commercial by-product, or they are directly reused in another manufacturing operation).

When IPC members have called the EPA Hotline inquiring as to the TRI status of certain PWB by-products, they have been referred to question 435 of the EPCRA Section 313 Questions and Answers booklet (EPA 745-B-97-008)

Q. 435. If I send metal scraps containing chromium off-site to be remelted and subsequently reused, do I report the amount of toxic chemical in the metal as recycled off-site?

A. Because the chromium in the metal scrap is not actually being recovered but merely remelted and reused, the amount of the toxic chemical in the metal scraps would not be reportable anywhere on the Form R including in Section 8.

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They have also been referred to page 31 of the Toxic Chemical Release Inventory Reporting Forms and Instructions: Revised 1997 Version (EPA 745-K-98-001):

If the toxic chemical is sent off-site for further direct reuse (e.g., a toxic chemical in metal scrap) and does not undergo a waste management activity (i.e., release [including disposal], treatment, energy recovery, or recycling [recovery] prior to that reuse, it need not be reported in section 6.2 or section 8.

It appears that materials that are shipped on a bill of lading are not "wastes" according to the agency and, therefore, do not undergo a "waste management activity."

We would greatly appreciate receiving an answer to this question as soon as possible so that we can inform our members as to their TRI reporting obligations. Please respond to the following address: 1400 Eye St., N.W., Washington, D.C. 20005-2208. If you have any questions, please do not hesitate to give me a call at (202) 638-6219.

Sincerely,



Holly Evans
Director of Environmental and Safety Programs